

Senate Bill 195

By: Senators Chance of the 16th, Staton of the 18th, Shafer of the 48th and Pearson of the 51st

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 26 and Title 43 of the Official Code of Georgia Annotated, relating to food,
2 drugs, and cosmetics and professions and businesses, respectively, so as to provide for the
3 regulation of certain professions and businesses; to clarify that the applications submitted for
4 certain professions and businesses are to be made in the form prescribed and not necessarily
5 as a written document; to change the definition of the term "electronic data prescription drug
6 order"; to change provisions relating to examinations to obtain a license to engage in the
7 practice of pharmacy; to change certain provisions relating to "brand necessary" drug orders;
8 to provide that members of professional licensing boards shall serve until the expiration of
9 their term and until their successors have been appointed; to change certain provisions
10 relating to the general powers of the division director; to change certain provisions relating
11 to investigators for professional licensing boards; to change certain provisions relating to
12 veteran examinations; to provide for notification of current laws, rules, and regulations and
13 standards of conduct relating to the practice of architecture; to change certain provisions
14 relative to checks submitted as fees for licensure by actioneers; to provide that the service
15 upon the division director on behalf of the State Board of Barbers or the State Board of
16 Physical Therapy shall be at his or her office; to change certain provisions regarding the
17 training, utilization, and licensing of apprentices in barbershops; to revise certain provisions
18 relating to the record of revocation of chiropractic licenses; to change certain provisions
19 relating to the rules and regulations as to sanitary requirements and inspections relative to
20 cosmetologists; to revise certain requirements for application for low-voltage electrical
21 contracting licenses; to require the examination for the land surveyor-in-training certificate
22 be board approved; to change certain provisions relating to examinations relative to
23 geologists; to change provisions as to notice of meetings of the State Board of Hearing Aid
24 Dealers and Dispensers; to revise the general powers and duties of the State Board of
25 Hearing Aid Dealers and Dispensers and the division director; to change certain provisions
26 relating to the issuance of licenses relative to hearing aid dealers and dispensers; to amend
27 provisions relating to the qualifications and examination of hearing aid dispenser apprentices;
28 to provide for notice to the hearing aid dealer licensee or permit holder; to change certain

provisions relating to fees for licensure of landscape architects; to provide that applicants for licensure as dispensing opticians may be required to pass a board approved examination; to change certain provisions relating to examinations, examination fees, and education requirements relative to dispensing opticians; to change certain provisions relating to examinations relative to optometrists; to change certain provisions relating to examinations for licenses to practice podiatric medicine; to change certain provisions relating to the examination of applicants and appeals relative to psychologists; to change certain provisions relating to qualifying agents relative to residential and general contractors; to change certain provisions relating to the test an applicant for a used motor vehicle and parts dealer license must pass; to provide for board approved examinations for applicants for certification as operators or laboratory analysts of treatment plants; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, is amended by revising paragraph (14.1) of Code Section 26-4-5, relating to definitions relative to pharmacists and pharmacies, as follows:

(14.1) 'Electronic data prescription drug order' means any digitalized prescription drug order transmitted to a pharmacy, by a means other than by facsimile, which contains the secure, personalized digital key, code, number, or other identifier used to identify and authenticate the prescribing practitioner in a manner required by state laws and board regulations and includes all other information required by state laws and board regulations. 'Electronic data prescription drug order' also includes any digitalized prescription drug order transmitted to a pharmacy that is converted into a visual image of a prescription order during the transmission process, is received by the pharmacy through a facsimile, and includes the practitioner's electronic signature.'

SECTION 2.

Said title is further amended by revising subsections (a) and (b) of Code Section 26-4-41, relating to qualifications for license, examination, and internships and other training programs relative to pharmacists and pharmacies, as follows:

"(a) *Qualifications*. To obtain a license to engage in the practice of pharmacy, an applicant for licensure by examination shall:

- (1) Have submitted ~~a written~~ an application in the form prescribed by the board;
- (2) Have attained the age of majority;

(3) Be of good moral character;

(4) Have graduated and received a professional undergraduate degree from a college or school of pharmacy as the same may be approved by the board; provided, however, that, since it would be impractical for the board to evaluate a school or college of pharmacy located in another country, the board may accept a graduate from such a school or college ~~as~~ so long as the graduate has completed all requirements of the Foreign Pharmacy Equivalency Certification Program administered by the National Association of Boards of Pharmacy. This shall include successful completion of all required examinations and the issuance of the equivalency certificate and be based upon an individual evaluation by the board of the applicant's educational experience, professional background, and proficiency in the English language;

(5) Have completed an internship or other program that has been approved by the board or demonstrated to the board's satisfaction that experience in the practice of pharmacy which meets or exceeds the minimum internship requirements of the board;

(6) Have successfully passed an examination or examinations approved by the board; and

(7) Have paid the fees specified by the board for the examination and any related materials and have paid for the issuance of the license.

(b) *Examinations.*

(1) The examination for licensure required under paragraph (6) of subsection (a) of this Code section shall be made available ~~by the board~~ at least two times during each year. The board shall determine the content and subject matter of each examination, and the place, time, and date of administration of the examination;

(2) The examination shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ, cooperate, and contract with any organization or consultant in the preparation and grading of an examination, but shall retain the sole discretion and responsibility for determining which applicants have successfully passed such an examination; ~~and,~~

(3) Any person who takes the board approved examination and fails the examination may repeat the examination at regular intervals of administration; however, a person ~~may~~ shall not take the examination more than three times without permission from the board. A person who has taken the board approved examination and failed the examination for the third time ~~may~~ shall not practice as a pharmacy intern. A person who takes the board approved examination and successfully completes the examination must become licensed within two years of the examination date or the results of the examination shall become invalid."

SECTION 3.

Said title is further amended by revising subsection (c) of Code Section 26-4-42, relating to license transfers for pharmacists licensed in another jurisdiction relative to pharmacists and pharmacies, as follows:

"(c) To obtain a license to engage in the practice of pharmacy in this state, a pharmacist who is a graduate of a pharmacy school or college located in another country must complete all requirements of the Foreign Pharmacy Equivalency Certification Program administered by the National Association of Boards of Pharmacy. This shall include without being limited to successful completion of all required examinations, ~~and~~ the issuance of the equivalency certificate, and an individual evaluation by the board of the applicant's proficiency in the English language. Additionally, a foreign pharmacy graduate applicant shall:

- (1) Have submitted ~~a written~~ an application in the form prescribed by the board;
- (2) Have attained the age of majority;
- (3) Be of good moral character;
- (4) Have possessed at the time of initial licensure as a pharmacist all qualifications necessary to have been eligible for licensure at that time in this state;
- (5) Have graduated and been granted a pharmacy degree from a college or school of pharmacy recognized by the National Association of Boards of Pharmacy Foreign Pharmacy Graduate Examination Committee;
- (6) Have successfully passed an examination approved by the board; and
- (7) Have paid the fees specified by the board."

SECTION 4.

Said title is further amended by revising subsection (a) of Code Section 26-4-46, relating to pharmacy interns, eligibility, and requirements for licenses, as follows:

"(a) To obtain a license as a pharmacy intern, an applicant shall:

- (1) Have submitted ~~a written~~ an application in the form prescribed by the board of pharmacy;
- (2) Have attained the age of majority;
- (3) Be of good moral character; and
- (4) Have paid the fees specified by the board for the issuance of the license."

SECTION 5.

Said title is further amended by revising subsection (g) of Code Section 26-4-81, relating to substitution of generic drugs for brand named drugs, as follows:

"(g) A practitioner of the healing arts may instruct the pharmacist not to substitute a generic name drug in lieu of a brand name drug by including the words 'brand necessary' in the body of the prescription. When a prescription is a hard copy prescription drug order, such indication of brand necessary must be in the practitioner's own handwriting and shall not be printed, applied by rubber stamp, or any such similar means. When the prescription is an electronic prescription drug order, the words 'brand necessary' are not required to be in the practitioner's own handwriting and may be included on the prescription in any manner or by any method. When a practitioner has designated 'brand necessary' on an electronic prescription drug order, a generic drug shall not be substituted without the practitioner's express consent, which shall be documented by the pharmacist on the prescription and by the practitioner in the patient's medical record."

SECTION 6.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising Code Section 43-1-2, relating to appointment and general powers of the division director, members and meetings of professional licensing boards, examination standards, roster of licenses, and funding, by adding a new subsection to read as follows:

"(h.1) Members of a professional licensing board shall serve until the expiration of the term for which they were appointed and until their successors have been appointed and qualified unless otherwise specified under the provisions of this title."

SECTION 7.

Said title is further amended by revising subsection (j) of Code Section 43-1-2, relating to appointment and general powers of division director, members and meetings of professional licensing boards, examination standards, roster of licenses, and funding, as follows:

"(j) The division director ~~shall~~ may establish administrative standards for the examination of applicants for licensure by the various professional licensing boards, notwithstanding any other provisions of law to the contrary. These administrative standards ~~shall~~ may include the setting of date, time, and location of examinations, subject to the approval of the respective professional licensing boards. Notwithstanding any other provisions of law to the contrary, examination criteria, examination grading procedures, examination fees, examination passing score requirements, and other matters pertaining to the examination of applicants for licensure may be adopted by rules of the respective professional licensing boards as necessary to implement such examination standards. Examination standards, including examination criteria, grading procedures, and passing score requirements, developed in agreement or in conjunction with a national association of state boards or other related national association for the administration of a nationally recognized uniform

168 examination may be adopted in lieu of state standards by the respective professional
169 licensing boards."

170 **SECTION 8.**

171 Said title is further amended by revising Code Section 43-1-5, relating to investigators for
172 professional licensing boards and office of division director, as follows:

173 "43-1-5.

174 (a) Persons hired for the purpose of conducting investigations for the professional
175 licensing boards shall be designated as investigators and any person so designated shall
176 have all the powers of a peace officer of this state when engaged in the enforcement of this
177 title or of any of the laws creating or related to the professional licensing boards. Such
178 investigators shall be authorized, upon the written approval of the division director,
179 notwithstanding Code Sections 16-11-126, 16-11-128, and 16-11-129, to carry firearms of
180 a caliber not greater than the standard police .38 handgun.

181 ~~(b) Any person designated as an investigator within the meaning of this Code section shall~~
182 ~~be considered to be a peace officer."~~

183 **SECTION 9.**

184 Said title is further amended by revising Code Section 43-1-9, relating to point credit for
185 veterans taking examination given by professional licensing boards, as follows:

186 "43-1-9.

187 Any applicant taking an examination ~~given~~ required by any professional licensing board
188 except the State Board of Accountancy and the Georgia Board of Nursing shall receive
189 points in the following manner:

190 (1) Any applicant who served on active duty in the armed forces of the United States or
191 on active duty in a reserve component of the armed forces of the United States, including
192 the National Guard, for a period of one year or more, of which at least 90 days were
193 served during wartime or during any conflict when military personnel were committed
194 by the President of the United States, shall be entitled to a credit of five points. Such
195 points shall be added by the person grading the examination to the grade made by the
196 applicant in answering the questions propounded in any such examination;

197 (2) Any applicant who is a disabled veteran and who served on active duty in the armed
198 forces of the United States or on active duty in a reserve component of the armed forces
199 of the United States, including the National Guard, during wartime or during any conflict
200 when military personnel were committed by the President of the United States shall be
201 entitled to a credit of five points if the disability was for an injury or illness incurred in
202 the line of duty and such disability is officially rated at less than 10 percent at the time

of taking the examination. Such points shall be added by the person grading the examination to the grade made by the applicant in answering the questions propounded in any such examination; and

(3) Any applicant who is a disabled veteran who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States shall be entitled to a credit of ten points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at 10 percent or above at the time of taking the examination. Such points shall be added by the person grading the examination to the grade made by the applicant in answering questions propounded in any such examination."

SECTION 10.

Said title is further amended by revising Code Section 43-1-10, relating to veteran's grades when examination given in parts or by subject, as follows:

"43-1-10.

If an examination given by a professional licensing board is ~~given~~ required in parts or by subjects and the applicant is required to make a minimum grade on each of the parts or subjects, the points to which the applicant is entitled shall be added to the grade made on each part or subject before the average of his or her grade on all of the parts or subjects is determined."

SECTION 11.

Said title is further amended by revising Code Section 43-1-11, relating to veteran's examination to be graded prior to determination of eligibility for credit, as follows:

"43-1-11.

A person grading an examination ~~given~~ required by a professional licensing board shall first grade the examination without reference to veteran credit, determining thereafter from the proof submitted whether an applicant is a veteran and is entitled to such credit; if so, the credit shall be added; and if after such addition the applicant equals or exceeds the grade required to pass the examination, the applicant shall be entitled to be certified as having passed the examination."

SECTION 12.

Said title is further amended by revising subsection (b) of Code Section 43-4-9, relating to adoption of rules, regulations, and standards of conduct and utilization of the Internet relative to architects, as follows:

"(b) The board shall post all current laws, rules, regulations, and standards of conduct relating to the practice of architecture in this state on the board's official website. The board shall also provide on the website notification of recent changes in such laws, rules, regulations, or standards and information pertaining to disciplinary actions taken by the board. ~~Individual notice of changes in such laws, rules, regulations, or standards shall be sent by the board at least once a year to each registered architect and building official. Individual notice may be sent by e-mail or regular mail.~~"

SECTION 13.

Said title is further amended by revising subsection (d) of Code Section 43-6-13, relating to license fees and effect of nonpayment of checks submitted as fee relative to auctioneers, as follows:

"(d) Any check presented to the division director as a fee for either an original or renewal license ~~or for examination for license~~, which is returned unpaid; shall be cause for revocation or denial of a license."

SECTION 14.

Said title is further amended by revising Code Section 43-7-7, relating to board meetings, secretary of the board, service of process and documents, and records relative to barbers, as follows:

"43-7-7.

The board shall meet at least six days a year but shall not meet more than 36 days in one year. All meetings shall be open to the public except that the board may hold restricted attendance sessions to prepare, give, and grade examinations and to deliberate in connection with the decision in a contested case. The division director shall be secretary of the board and, in addition to his or her duties as prescribed by Code Section 43-1-3, shall perform such other administrative duties as may be prescribed by the board. All legal process and all documents required by law to be served upon or filed with the board shall be served upon or filed with the division director at his or her office ~~in Atlanta~~. All official records of the board, or affidavits by the division director as to the content of such records, shall be prima-facie evidence of all matters required to be kept therein."

SECTION 15.

Said title is further amended by revising Code Section 43-7-12, relating to requirements for license to operate a barbershop, as follows:

"43-7-12.

A license to operate a barbershop shall be issued, renewed, or restored to any person who can show that such barbershop:

(1) Provides and maintains such physical and sanitary facilities and equipment as may be required by the rules and regulations of the board;

(2) ~~Does not train more than one apprentice at any one time, which apprentice shall be under the supervision of a master barber~~ Trains and utilizes apprentices in a manner and number as required by the board; and

(3) Does business only at the location shown on the application for licensure."

SECTION 16.

Said title is further amended by revising subsection (a) of Code Section 43-7-16, relating to requirement for license as apprentice barber and limitation on renewal, as follows:

"(a) A license to practice barbering as an apprentice shall be issued to any ~~person~~ applicant who shall furnish the board evidence that such applicant:

(1) ~~Evidence that he will~~ Will practice under the supervision of a licensed barber with at least 18 months' experience in the practice of barbering; and

(2) ~~Evidence that he has completed the fifth grade of school instruction or its equivalent~~ Is 16 years of age or older."

SECTION 17.

Said title is further amended by revising subsections (a), (b), and (c) of Code Section 43-9-7, relating to qualifications of applicants for license to practice chiropractic, as follows:

"(a) Any person wishing to practice chiropractic in this state shall make ~~written~~ application to the board through the division director in such form as may be adopted and directed by the board.

(b) ~~Application shall be in writing and shall be signed by the applicant in his own handwriting, shall be sworn to before some officer authorized under the laws to administer oaths;~~ The application shall recite the history of the applicant's educational qualifications, how long he or she has studied chiropractic, what collateral branches, if any, he or she has studied, and the length of time he or she has engaged in clinical practice, with proof thereof in the form of diplomas, certificates, ~~etc.~~, and other information, and shall accompany the application with satisfactory evidence of good character and reputation.

301 (c) Each applicant shall ~~send~~ provide with his or her application an application fee in an
302 amount established by the board."

303 **SECTION 18.**

304 Said title is further amended by revising Code Section 43-9-14, relating to record of license
305 revocation relating to chiropractors, as follows:

306 "43-9-14.

307 ~~In all cases wherein a license has been revoked and no appeal has been taken within the~~
308 ~~time allowed by law, it shall be the duty of the division director, immediately after the~~
309 ~~expiration of the time allowed for appeal, to transmit to the clerk of the superior court in~~
310 ~~whose office the revoked license is recorded a copy of the order of the board revoking the~~
311 ~~license, certified by the division director, and it shall be the duty of the clerk to cancel the~~
312 ~~record of the license by entering upon the face thereof a copy of the certified order. In cases~~
313 ~~wherein appeal proceedings are had and not sustained, the revoked license shall be~~
314 ~~canceled in the manner provided in this Code section immediately after the final~~
315 ~~termination of such case. Reserved.~~"

316 **SECTION 19.**

317 Said title is further amended by revising Code Section 43-10-6, relating to rules and
318 regulations as to sanitary requirements, instruction on HIV and AIDS, inspections, and
319 unsanitary conditions as nuisances relative to cosmetologists, as follows:

320 "43-10-6.

321 (a) The board is authorized to adopt reasonable rules and regulations prescribing the
322 sanitary requirements of beauty shops, beauty salons, schools of cosmetology, schools of
323 esthetics, schools of hair design, and schools of nail care, subject to the approval of the
324 Department of Community Health, and to cause the rules and regulations or any subsequent
325 revisions to be in suitable form, ~~and to transmit a copy thereof. The board shall make the~~
326 ~~rules and regulations available~~ to the proprietor of each beauty shop, beauty salon, school
327 of cosmetology, school of esthetics, school of hair design, or school of nail care. It shall
328 be the duty of every proprietor or person operating a beauty shop, salon, school of
329 cosmetology, school of esthetics, school of hair design, and school of nail care in this state
330 to keep a copy of such rules and regulations posted in a conspicuous place in his or her
331 business, so as to be easily read by his or her customers.

332 (b) The board is authorized to adopt reasonable rules and regulations requiring that persons
333 licensed under this chapter undergo instruction on Human Immunodeficiency Virus and
334 Acquired Immune Deficiency Syndrome.

(c) Any inspector employed by the ~~division director~~ Secretary of State shall have the power to enter and make reasonable examination of any beauty shop, salon, ~~and~~ or school in the state during business hours for the purpose of enforcing the rules and regulations of the board and for the purpose of ascertaining the sanitary conditions thereof.

(d) Any beauty shop, salon, or school in which tools, appliances, and furnishings used therein are kept in an unclean and unsanitary condition so as to endanger health is declared to be a public nuisance."

SECTION 20.

Said title is further amended by revising subsection (c) of Code Section 43-14-8.1, relating to license requirement for low-voltage electrical contracting, businesses conducted by partnerships, limited liability companies, and corporations, and applications relative to electrical contracting, as follows:

"(c) Any person desiring to qualify under the provisions of this subsection who meets the requirements of this subsection, submits proper application prior to and including December 31, 1984, and pays or has paid the required fees and is not otherwise in violation of this chapter shall be issued a state-wide Low-voltage Contractor Class LV-A, LV-G, LV-U, or LV-T license without examination. An individual desiring to obtain Low-voltage Contractor Class LV-T shall submit to the division an affidavit ~~sworn before a notary public~~ which outlines the experience of said individual in the practice of low-voltage wiring relating to telecommunication systems. An individual desiring to obtain a Low-voltage Contractor Class LV-A license shall submit to the division an affidavit, ~~sworn before a notary public~~, which outlines the experience of said individual in the practice of low-voltage wiring relating to alarm systems. An individual desiring to obtain a Low-voltage Contractor Class LV-G license shall submit to the division an affidavit, ~~sworn before a notary public~~, which outlines the experience of said individual in the practice of low-voltage wiring relating to general systems. Each such affidavit for licensure shall describe in detail the installation of at least three complete low-voltage wiring jobs which shall demonstrate that the individual has successfully performed low-voltage wiring in the area of licensure requested for a period of at least one year immediately prior to the time of application. An individual desiring to obtain a Low-voltage Contractor Class LV-U license shall submit to the division an affidavit, ~~sworn before a notary public~~, which outlines the experience of said individual in the practice of low-voltage wiring relating to alarm and telecommunication systems and which describes in detail the installation of at least six complete low-voltage wiring jobs, three in alarm and three in telecommunication systems, which shall demonstrate that the individual has successfully performed

370 low-voltage wiring in those areas for a period of at least one year immediately prior to the
371 time of application."

372 **SECTION 21.**

373 Said title is further amended by revising Code Section 43-15-12, relating to land
374 surveyor-in-training certificate and eligibility, as follows:

375 "43-15-12.

376 To be eligible for certification as a land surveyor-in-training, an applicant must meet the
377 following minimum requirements:

378 (1)(A) Earn a bachelor's degree in a curriculum approved by the board; ~~or~~

379 (B) Earn an associate degree, or its equivalent, in a curriculum approved by the board
380 and acquire not less than two years of combined office and field experience in land
381 surveying of a nature satisfactory to the board; or

382 (C) Earn a high school diploma, or its equivalent, and acquire not less than four years'
383 experience in land surveying of a nature satisfactory to the board; ~~and~~

384 (2) Acquire a minimum of 15 quarter hours' credit, or its equivalent, in land surveying
385 subjects in a course of study approved by the board; provided, however, that on and after
386 January 1, 1995, the minimum requirement shall be 20 quarter hours' credit, five of which
387 shall be in hydrology; and

388 (3) Subsequently pass the ~~board's written~~ board approved examination in the
389 fundamentals of land surveying (land surveyor-in-training examination)."

390 **SECTION 22.**

391 Said title is further amended by revising subsection (c) of Code Section 43-18-41, relating
392 to qualifications of embalmer or funeral director applicants, as follows:

393 "(c) In addition to the qualifications set out in subsection (a) of this Code section, an
394 applicant for a funeral director's license shall have, prior to the issuance of said license, a
395 valid embalmer's license; shall furnish an affidavit which lists the names of the 50 funerals
396 at which the apprentice assisted as provided in Code Section 43-18-50; and, effective
397 January 1, 1991, must pass ~~a written~~ an examination approved by the board which tests
398 knowledge of the law of this state relating to funeral directors."

399 **SECTION 23.**

400 Said title is further amended by revising paragraph (1) of subsection (a) Code Section
401 43-18-42, relating to reciprocity and examination upon meeting qualifications relative to
402 funeral directors and establishments, as follows:

403 "(1)(A) On or after January 1, 1991, such person successfully passes ~~a written~~ an
404 examination approved by the board which tests knowledge of the law of this state
405 relating to funeral directors; and

406 (B) Such person satisfied in another state, territory, country, or District of Columbia
407 the requirements for licensure which are:

408 (i) In effect in Georgia on the date of application; or

409 (ii) Substantially equal to the requirements for a similar license in Georgia; or"

410 SECTION 24.

411 Said title is further amended by revising subsection (b) of Code Section 43-19-13, relating
412 to examinations relative to geologists, as follows:

413 "(b) The board shall ~~determine the fee for and~~ approve the scope, form, and content of the
414 examinations ~~provided~~ required for licensure under this chapter."

415 SECTION 25.

416 Said title is further amended by revising subsection (b) of Code Section 43-20-5, relating to
417 meetings, reimbursement of members, and notice of meetings relating to the State Board of
418 Hearing Aid Dealers and Dispensers, as follows:

419 "(b) The division director shall notify each member of the board ~~by certified mail or~~
420 ~~statutory overnight delivery~~ not less than ten days in advance of the time and place of any
421 meeting of the board."

422 SECTION 26.

423 Said title is further amended by revising Code Section 43-20-6, relating to general powers
424 and duties of the State Board of Hearing Aid Dealers and Dispensers and the division
425 director, as follows:

426 "43-20-6.

(a) The board shall have the responsibility and duty of administering and enforcing this chapter. ~~The board shall be responsible for preparing the examinations required by this chapter, and the division director shall assist the board in carrying out this chapter.~~ The board shall have the power to establish and to revise minimal procedure and equipment requirements which shall be used in the dispensing of hearing aids.

432 (b) The board shall:

~~(1) Authorize, with the advice of the division director, all disbursements necessary to carry out this chapter and the rules and regulations promulgated by the board;~~

435 ~~(2)~~(1) Supervise the issuance of licenses and administer qualifying examinations;

(3)(2) License persons who make proper application to the division director and who meet the qualifications for licensure;

~~(4) Purchase and maintain or rent facilities necessary to carry out the examination of applicants as provided in this chapter;~~

(5)(3) Issue and renew licenses;

~~(6)(4) Suspend, revoke, or otherwise sanction licenses in the manner provided in this chapter;~~

(7)(5) Appoint representatives to conduct or supervise examinations; and

~~(8)(6) Provide to each licensed dealer~~ Make available to the public a copy of this chapter, any amendments thereto, and all adopted rules.

(c) The division director shall be guided by the recommendations of the board in all matters relating to this chapter and shall assist the board in carrying out this chapter.

(d) In the administration and enforcement of this chapter, the board shall have the power to adopt reasonable rules and regulations not inconsistent with this chapter and the Constitution and laws of this state or of the United States for governing its times and places of meetings; for organization and reorganization; for the holding of examinations; for governing all other matters requisite to the exercising of its powers; for the performance of its duties relating to examinations; for granting, suspending, revoking, or otherwise sanctioning licenses; and for the transaction of its business under this chapter.

(e) The board may provide, by regulation, for the general scope of the examination described in Code Section 43-20-9. The board may approve the examination and obtain advice and assistance in providing for and grading such examination; and the division director may contract with third parties to perform administrative services related to the examination as he or she deems appropriate."

SECTION 27.

Said title is further amended by revising subsection (b) of Code Section 43-20-8, relating to issuance of licenses and fees relative to hearing aid dealers and dispensers, as follows:

"(b) The board may issue a dispenser's license to an applicant only when the applicant has satisfactorily completed an a board approved examination ~~administered under the direction of the board~~ and when proof of age has been verified. The license shall authorize the holder to dispense hearing aids under the general supervision of a licensed dealer."

SECTION 28.

Said title is further amended by revising Code Section 43-20-9, relating to qualifications, examinations, and apprentice dispensers relative to hearing aid dealers and dispensers, as follows:

"43-20-9.

(a) An applicant may obtain a license by successfully passing a qualifying board approved examination ~~administered by the board~~, provided that the applicant:

(1) Is at least 18 years of age; and

(2) Is of good moral character.

~~(b) The division director shall schedule at least four examinations each year, one of which will be in each calendar quarter.~~

~~(c) The division director shall schedule every~~ Every apprentice dispenser who has held the permit over 30 days shall be scheduled to stand for the written examination at every scheduled examination until all sections have been passed, the permit has been revoked by the board, or the permit has expired. The board shall have the power to revoke a permit without a hearing if the holder of an apprentice dispenser permit fails to stand for the examination. The board shall also have the power to revoke a permit without a hearing if the holder of an apprentice dispenser permit fails to pass the written portion of the examination on two occasions. The board may include the fee for an initial examination as a condition for approval of an applicant for an apprentice dispenser's permit.

~~(d) Each applicant desiring to become licensed as a dispenser, other than holders of apprentice dispensers' permits, shall make application for examination to the division director, accompanied by the examination fee as provided by the board in its rules and regulations.~~

~~(e) The qualifying examination shall be compiled by or at the direction of the board.~~

~~(f)~~(c) The board shall establish uniform criteria for passing and failing candidates."

SECTION 29.

Said title is further amended by revising Code Section 43-20-12, relating to notice to division director of place of practice and identification of dispensers, apprentice dispensers, and trainees, and notice to holders of licenses and permits, as follows:

"43-20-12.

(a) A person holding a dealer's license shall notify the division director in writing of the regular addresses of places of business operated by the dealer for dispensing hearing aids. Furthermore, the dealer is required to notify the division director in writing as to the names and license or permit numbers of all dispensers, apprentice dispensers, and trainees employed or otherwise practicing at each of his or her places of business. The dealer is required to notify the division director in writing of any changes of the foregoing within seven calendar days of such change. Any failure shall be considered a violation of this chapter by the dealer.

(b) Any notice required to be given by the division director or by the board to any person who holds a license or permit issued by the board shall be mailed to such licensee or permit holder ~~by certified mail or statutory overnight delivery~~ to the address of the place of practice last recorded with the division director; and such mailing shall constitute sufficient notice to such licensee."

SECTION 30.

Said title is further amended by revising subsection (a) of Code Section 43-23-8, relating to examination fee, issuance of licenses, biennial renewal of licenses, renewal fee, and effect of nonpayment of check submitted as license fee relative to landscape architects, as follows:

"(a) Every applicant for licensure as a landscape architect shall submit with his or her application for such licensure a fee in an amount established by the board, ~~which shall be sufficient to cover the costs of examination~~. If the applicant successfully passes the examination and is otherwise qualified for licensure as a landscape architect, the board shall thereafter, upon payment of a license fee to be determined by the board, issue a license to the applicant, which shall be valid for up to two years and shall be renewable biennially. All licenses shall expire on the renewal date established by the division director. The biennial license renewal fees shall be an amount established by the board."

SECTION 31.

Said title is further amended by revising Code Section 43-28-9, relating to qualifications of license applicants and waiver relative to occupational therapists, as follows:

"43-28-9.

(a) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file ~~written~~ an application, on forms provided by the board, showing to the satisfaction of the board that such applicant ~~meets the following requirements~~:

(1) Is of good moral character;

(2) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biological or physical science, psychology, and sociology and with education in selected manual skills. For an occupational therapist or occupational therapy assistant, such a program shall be accredited by a recognized accrediting agency acceptable to the board. Other comparable educational programs such as those approved by the World Federation of Occupational Therapists may be recognized by the board upon evaluation of detailed program and course content;

(3) Has successfully completed a period of supervised field work experience at a recognized educational institution or a training program accredited as provided in

paragraph (2) of this ~~Code section~~ subsection. For an occupational therapist, a minimum of six months of supervised field work experience is required. For an occupational therapy assistant, a minimum of two months of supervised field work experience is required; and

(4) Has passed an examination as provided for in Code Section 43-28-10.

(b) An applicant not meeting the requirements of subsection (a) of this Code section must indicate to the board that he or she has obtained a waiver of such requirements pursuant to Code Section 43-28-11."

SECTION 32.

Said title is further amended by revising subsection (e) of Code Section 43-29-7, relating to license requirements, qualifications of applicants, subjects to be listed on examination, and issuance and display of license relative to dispensing opticians, as follows:

"(e) Applicants for examination may be examined ~~by the board~~ upon matters pertaining to mathematics and physics, ophthalmic materials and laboratory technique, ophthalmic optics, ophthalmic dispensing, and practical subjects. When any applicant passes the necessary examination and meets the qualifications set out, the board shall issue a license to such person to practice the trade or occupation of dispensing optician."

SECTION 33.

Said title is further amended by revising Code Section 43-29-8, relating to examination, examination fee, and the effect of failure of two examinations relative to dispensing opticians, as follows:

"43-29-8.

(a) ~~Examination of applicants~~ An applicant applying for a license to practice the trade or occupation of dispensing optician shall be required to pass a board approved examination made by the board according to the methods and covering subject matter deemed by the board to be the most practical and expeditious to test the applicant's specific job performance requirements. Such examinations shall be written.

(b) ~~There shall be paid to the division director by each applicant for a license an examination fee in an amount determined by the board, which fee shall accompany the application for examination.~~

(c) Failure to pass a satisfactory examination shall not prevent any applicant from participating in subsequent examinations ~~before the board~~ upon complying with this chapter, but any applicant who has failed two examinations shall not be permitted to take any further examination for licensure under this chapter until such applicant has furnished

575 sufficient proof of having taken such additional education and training as shall be required
576 by the board."

577 **SECTION 34.**

578 Said title is further amended by revising Code Section 43-29-11, relating to continuing
579 education requirement, waiver, and effect of failure to complete required course hours
580 relative to dispensing opticians, as follows:

581 "43-29-11.

582 (a) Each person who holds a license as a dispensing optician shall be required to complete
583 ten hours of continuing education prior to each renewal of such license.

584 (b) With his or her application for license renewal, each licensed dispensing optician ~~must~~
585 shall submit ~~a certificate or certificates of attendance for an affidavit of~~ course hours
586 completed as proof that his or her education requirements have been satisfied. The board
587 shall give credit for any course given by any recognized national, regional, or state
588 dispensing society or association if such course increases the education of a dispensing
589 optician and is made available to all licensed opticians on a reasonably nondiscriminatory
590 fee basis. The board may also approve, in accordance with the objectives of this chapter,
591 other courses held within or outside of this state which are available to all persons on a
592 reasonably nondiscriminatory fee basis. Any group of ten or more licensed opticians may
593 arrange for an educational course and request board approval thereof. Any such request
594 shall be made at least 90 days prior to the proposed date of the course and shall include full
595 details as to the contents of the course, the instructors, and the charge to be made for
596 attendance, as well as any other information which the board may require. The board shall
597 endeavor to act upon any request for approval at least 45 days prior to the proposed date
598 therefor and shall thereupon notify all licensed opticians of the time, place, contents, and
599 charges for any such approved course. The certificate of attendance required under this
600 ~~chapter~~ Code section shall be issued to the optician upon completion of the approved
601 course. Credit ~~will~~ shall be allowed on the basis of an hour for an hour. To receive one hour
602 of credit, one must attend one full hour. No fractional hour credits ~~will~~ shall be allowed.

603 (c) The board may waive the requirements of this Code section for any license period for
604 any dispensing optician upon proof of such optician's hardship or disability, provided that
605 such optician's license may be revoked upon failure of the licensee to complete the required
606 number of hours, not to exceed 20 hours, of continuing education within 12 months
607 immediately following renewal.

608 (d) A dispensing optician failing to complete the course hours required under this Code
609 section shall have his or her license restored upon proof of subsequent completion of

610 required course hours and, except in the case of a waiver granted under subsection (c) of
611 this Code section, upon payment of a penalty fee in an amount established by the board."

612 **SECTION 35.**

613 Said title is further amended by revising subsection (c) of Code Section 43-30-7, relating to
614 certification and registration requirement, comity, and qualifications examination relative to
615 optometrists, as follows:

616 "(c) Any other applicant for registration under this chapter shall be required to pass an
617 examination approved by the board. In addition, each such applicant shall ~~meet the~~
618 ~~following requirements:~~

619 (1) Be 21 years of age and of good moral character;

620 (2) Possess a high school education of not less than 16 Carnegie units; or the equivalent
621 thereof to be determined by the board;

622 (3) Have completed not less than two years of preoptometry college work in a college
623 of arts and sciences approved by the board; or the equivalent thereof to be determined by
624 the board; and

625 (4) Hold a certificate of graduation from an accredited college or university teaching
626 optometry, acceptable to the board, requiring a course of study therein of at least four
627 school years.

628 ~~Failure to pass a satisfactory examination shall not debar the applicant from participating~~
629 ~~in subsequent examinations before the board upon his or her complying with this chapter~~
630 ~~and upon payment of a reexamination fee as established by the board."~~

631 **SECTION 36.**

632 Said title is further amended by revising Code Section 43-33-9, relating to division director
633 as secretary of board, subpoena power, service of process and documents, and official
634 records as prim-facie evidence relative to physical therapists, as follows:

635 "43-33-9.

636 The division director shall be secretary of the board and shall perform such other
637 administrative duties as may be prescribed by the board. In a contested case, the division
638 director on behalf of the board shall have the power to subpoena, throughout the state,
639 witnesses, designated documents, papers, books, accounts, letters, photographs, objects,
640 or other tangible things. All legal process and all documents required by law to be served
641 upon or filed with the board shall be served upon or filed with the division director at his
642 or her office ~~in Atlanta~~. All official records of the board or affidavits by the division
643 director certifying the content of such records shall be prima-facie evidence of all matters
644 required to be kept therein."

SECTION 37.

Said title is further amended by revising 43-35-12, relating to eligibility for license relative to podiatry practice, as follows:

"43-35-12.

A license to practice podiatric medicine shall be issued to any person who:

- (1) Is a graduate of an accredited college of podiatric medicine approved by the board;
- (2) Holds a doctoral degree or its equivalent;
- (3) Satisfactorily passes ~~an examination prepared or approved~~ a board approved examination, if an examination is required by the board;
- (4) Successfully completes postdoctoral training of no less than 12 months as a resident in podiatric medicine and surgery in a program or institution approved by, and in good standing with, the board;
- (5) Has attained the age of 21 years;
- (6) Is not disqualified to receive a license under the provisions of Code Section 43-35-16; and
- (7) Pays the required fee to the board."

SECTION 38.

Said title is further amended by revising Code Section 43-35-14, relating to examination of applicants relative to podiatry practice, as follows:

"43-35-14.

The board ~~shall examine applicants~~ may require applicants to be examined upon the subjects required for the practice of podiatric medicine ~~at least twice each year and shall use any method or procedure which the board deems necessary to test the applicant's qualifications to practice podiatric medicine.~~ Any standardized examination which the board shall approve may be administered to all applicants in lieu of or in conjunction with any other examination which the board ~~shall administer~~ may require."

SECTION 39.

Said title is further amended by revising subsections (a), (c), and (f) of Code Section 43-38-6, relating to licenses, qualifications, criminal records, fingerprints, bond, insurance, or net worth affidavit, display of license, suspension, temporary permits, and license recognition agreements relative to private detectives and security agencies, as follows:

"(a) Any individual, firm, association, company, partnership, limited liability company, or corporation desiring to engage in the private detective or private security business in this state shall make a verified application ~~in writing~~ to the division director for a license therefor. If the applicant is a firm, association, company, partnership, limited liability

company, or corporation, the person filing the application on behalf of such firm, association, company, partnership, limited liability company, or corporation shall be a corporate officer of such corporation or an officer of such firm, association, partnership, or limited liability company; and such individual shall meet the qualifications set out in this Code section."

"(c) The application for a license shall be made ~~in writing~~, under oath; on a form to be furnished by the division director. The application shall state the applicant's full name, age, date and place of birth; residences and employment within the past five years, with the names and addresses of employers; present occupation; date and place of conviction or arrest for any crime, including the plea of nolo contendere or a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such additional information as the board may require to investigate the qualifications, character, competency, and integrity of the applicant. Each applicant shall submit with the application two complete sets of fingerprints on forms specified and furnished by the board and one photograph, two inches wide by three inches high, full face, taken within six months prior to the application; provided, however, that the board may waive the submission of fingerprints and photograph for any employee who has been employed by a person licensed under this chapter within the previous 12 months. The application shall contain such additional documentation as the board may prescribe by rule. The board shall have the discretion to deny a license to an applicant who fails to provide the information and supporting documentation required by this subsection."

"(f) Notwithstanding any other provisions of this Code section, an applicant for a license shall agree ~~in writing on the application~~ that if such applicant makes a false statement in the application or if such applicant has been found to have been convicted of a felony and has not had all his or her civil rights restored pursuant to law, then the board shall be authorized to suspend any license granted to such applicant without a prior hearing as required in Code Section 43-38-11. Upon request, any such person shall be entitled to a hearing on such matter subsequent to the suspension."

SECTION 40.

Said title is further amended by revising subsections (d) and (g) of Code Section 43-38-7, relating to registration of armed employees, qualifications, continuing education, fingerprints, registration card, and suspension relative to private detectives and security agencies, as follows:

"(d) The application for registration shall be made ~~in writing~~, under oath; on a form to be furnished by the division director. The application shall state the employee's full name, age, and date and place of birth; residences and employment within the past five years;

experience in the position applied for or held; the date and place of conviction or arrest for any crime, including the entry of a plea of nolo contendere or the entry of a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such other information as the board may require. The application for registration shall be accompanied by two sets of fingerprints of the employee and one photograph of the employee, two inches wide by three inches high, full face, taken within six months prior to the application. The board shall have discretion to deny registration to any individual when the information and supporting documentation required by this subsection are not provided."

"(g) Notwithstanding any other provisions of this Code section, any person who is to be registered under this Code section shall agree ~~in writing on the application~~ that if such person to be registered makes a false statement in the application or if such person has been found to have been convicted of a felony and has not had all his or her civil rights restored pursuant to law, then the board shall be authorized to suspend any registration granted to such applicant without a prior hearing as required in Code Section 43-38-11. Upon request, any such person shall be entitled to a hearing on such matter subsequent to the suspension."

SECTION 41.

Said title is further amended by revising Code Section 43-39-9, relating to examination of applicants and appeals relative to psychologists, as follows:

"43-39-9.

~~Examination of applicants for a license to practice psychology shall be made by the board at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the applicant's qualifications. The board shall require the examination to be written or oral, or both, provided that in any written examination such applicant shall be designated by a number instead of the applicant's name so that the applicant's identity shall not be disclosed to the members of the board until the examination papers have been graded. Any unsuccessful candidate may, within 14 days of notice of failure and upon written request to the board, appeal to the board for review.~~ Applicants shall take a board approved examination to test the applicant's qualifications. The examination shall be written or oral or both."

SECTION 42.

Said title is further amended by revising subsection (b) of Code Section 43-41-9, relating to licensing of individuals and organizations; joint ventures treated uniquely, notification of

division changes, separation of sole qualifying agent, disciplinary actions taken against organizations, payment of fees, and joint responsibility for work product, as follows:

"(b) The application for a license by a qualifying agent must include an affidavit on a form provided by the board attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity within the State of Georgia and that the individual applicant has final approval authority on all ~~business~~ construction matters, including contracts and contract performance and financial affairs ~~of the business organization or entity~~ related to such construction matters, for each construction job for which his or her license was used to obtain the building permit."

SECTION 43.

Said title is further amended by revising subsection (h) of Code Section 43-41-9, relating to licensing of individuals and organizations; joint ventures treated uniquely, notification of division changes, separation of sole qualifying agents, disciplinary actions taken against organizations, payment of fees, and joint responsibility for work product, as follows:

"(h) All qualifying agents for a business organization are jointly and equally responsible for supervision of all construction related operations of the business organization, for all field work at all sites, and for financial matters within the State of Georgia, ~~both for the organization in general and for each specific~~ for each construction job for which his or her license was used to obtain the building permit."

SECTION 44.

Said title is further amended by revising subsections (d) and (l) of Code Section 43-47-8, relating to license applications, prerequisites, license fees, renewal, training or test, supplemental licenses, bonds, insurance, suspension for conviction or false statement, and meetings relative to used motor vehicle and parts dealers, as follows:

"(d) Each division may require either that within the preceding year the applicant has attended a training and information seminar approved by the division or that the applicant has passed a test approved by the division ~~and administered by the division director~~. Such seminar or test, if required, shall include, but shall not be limited to, dealer requirements of this chapter, including books and records to be kept; requirements of the Department of Revenue; and such other information as in the opinion of the division will promote good business practices. No seminar shall exceed one day in length."

"(l) Each division may authorize the division director to issue a license when he or she has received the bond required by subsections (g) and (h) of this Code section, the proof of insurance required by subsection (k) of this Code section, and a fingerprint card for submission to the Georgia Crime Information Center and to the Federal Bureau of

Investigation. Each completed application for a permanent license shall be reviewed by the appropriate division, which may deny licensure for any good reason under this chapter. Any other provision of law to the contrary notwithstanding, each applicant for a license pursuant to the provisions of this Code section shall agree ~~in writing~~ in the application that if the applicant makes a false statement on the application or if the criminal record check returned from the Georgia Crime Information Center or from the Federal Bureau of Investigation reveals a conviction of or an entry of a plea of nolo contendere to a crime involving the use of violence, a used motor vehicle, or illegal drugs; tax evasion or failure to pay taxes; any crime involving the illegal use or possession of a dangerous weapon; or any crime involving moral turpitude, then the division shall be authorized to suspend the license without a prior hearing. The divisions shall each meet as needed, in their discretion. The board shall meet at least once each quarter and upon the call of the board chairperson for any special sessions."

SECTION 45.

Said title is further amended by revising subsection (a) of Code Section 43-50-31, relating to application for license, qualifications, determination as to admission or nonadmission to examination, and waiver relative to veterinarians and veterinary technicians, as follows:

"(a) Any person desiring a license to practice veterinary medicine in this state shall make ~~written~~ application to the board. The application shall include evidence, satisfactory to the board, that:

(1) The applicant has attained the age of 18;

(2) The applicant is of good moral character;

(3) The applicant is a graduate of an accredited college or school of veterinary medicine or possesses an ECFVG certificate or its substantial equivalent; provided, however, that a senior veterinary student may, in the discretion of the board, be allowed to sit for the examination during his or her senior year if he or she meets the other qualifications but shall not be issued a license unless and until he or she graduates; and

(4) The applicant meets such other qualifications or provides such other information as the board may require by rule."

SECTION 46.

Said title is further amended by revising subsection (b) of Code Section 43-50-40, relating to renewal of licenses and registrations, reinstatement, waiver of fee, continuing education, and inactive status relative to veterinarians and veterinary technicians, as follows:

"(b) Any person who shall practice veterinary medicine or veterinary technology after the expiration of his or her license or registration and willfully or by neglect fail to renew such

820 license or registration shall be practicing in violation of this article, provided that any
821 person may renew an expired license or registration within the period established by the
822 division director in accordance with Code Section 43-1-4 by making ~~written~~ application
823 for renewal and paying the applicable fees. After the time period established by the
824 division director has elapsed, such license or registration may be reinstated in accordance
825 with the rules of the board."

826 **SECTION 47.**

827 Said title is further amended by revising Code Section 43-51-7, relating to examinations
828 relative to treatment plant operators, as follows:

829 "43-51-7.

830 ~~The board shall prepare examinations to~~ Board approved examinations shall be used in
831 determining the knowledge, ability, and judgment of applicants for certification as
832 operators or laboratory analysts except for applications submitted prior to July 1, 2000, for
833 Class IV level certifications. Such examinations shall be given at least six times annually."

834 **SECTION 48.**

835 This Act shall become effective upon its approval by the Governor or upon its becoming law
836 without such approval.

837 **SECTION 49.**

838 All laws and parts of laws in conflict with this Act are repealed.